

IN RE: PETITION FOR ZONING VARIANCE
NW/S Southern Cross Drive,
188' W of Huntington Drive
(3934 Southern Cross Drive)
3rd Election District
2nd Councilmanic District
Russell V. Pettiford, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 91-310-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a side yard setback of 1 foot in lieu of the minimum required 7 feet for a proposed addition in accordance with Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 22-26 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 2nd day of April, 1991 that the Petition for Residential Variance to permit a side yard setback of 1 foot in lieu of the minimum required 7 feet for a proposed addition, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) Petitioner shall not allow or cause the proposed addition to be converted to a second dwelling unit and/or apartments. The addition shall contain no kitchen or bathroom facilities.
- 3) The proposed addition shall not be used to further any business or commercial operation without a special exception.
- 4) The proposed addition shall be equipped with appropriate gutters and downspouts to divert all water runoff away from the adjoining property.
- 5) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.
- 6) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

JRH:bjs

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

April 2, 1991

Mr. & Mrs. Russell V. Pettiford
3934 Southern Cross Drive
Baltimore, Maryland 21207

RE: PETITION FOR RESIDENTIAL VARIANCE
NW/S Southern Cross Drive, 188' W of Huntington Drive
(3934 Southern Cross Drive)
3rd Election District - 2nd Councilmanic District
Russell V. Pettiford, et ux - Petitioners
Case No. 91-310-A

Dear Mr. & Mrs. Pettiford:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Residential Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs

cc: People's Counsel

File

AFFIDAVIT

IN SUPPORT OF RESIDENTIAL ZONING VARIANCE

91-310-A

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: *Mr. Russell V. Pettiford*

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently or upon settlement will reside at
3934 Southern Cross, Baltimore, MD 21207
(Address)

That based upon personal knowledge, the following are the facts upon which I/we base the request for for a Residential Zoning Variance at the above address: (Indicate hardship or practical difficulty)

HARDSHIP OR PRACTICAL DIFFICULTY SEE ATTACH

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reporting and advertising fee and may be required to provide additional information.

Mr. Russell V. Pettiford
AFFIANT (Handwritten Signature)
MR. RUSSELL V. PETTIFORD
AFFIANT (Printed Name)

Mrs. Betty A. Pettiford
AFFIANT (Handwritten Signature)
Mrs. Betty A. Pettiford
AFFIANT (Printed Name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 2nd day of April, 19 91, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Russell V. Pettiford
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in the form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

4-2-91
DATE

Charles E. G. G.
NOTARY PUBLIC

My Commission Expires: June 1, 1992

PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

91-310-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section

103.1 & 1802.3, b & sec. III.c.3 "A" Residence Zone 1953 Amended B.C.Z.R.

To allow a 1 ft. setback in lieu of 7 ft. in a D.R.-5,5 zone

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reason(s) (Indicate hardship or practical difficulty)

HARDSHIP OR PRACTICAL DIFFICULTY SEE ATTACH

Property is to be advertised and/or posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City/State/Zip Code

Attorney for Petitioners:

(Type or Print Name)

Signature

Address

Attorney's telephone number

Legal Owner(s)

MR. RUSSELL V. PETTIFORD

Mr. Russell V. Pettiford

MRS. BETTY A. PETTIFORD

Mrs. Betty A. Pettiford

3934 Southern Cross Dr

BALTIMORE, MD 21207

Name, address and phone number of legal owner, contract purchaser or representative to be contacted.

Name

Address

Phone

ORDERED by the Zoning Commissioner of Baltimore County, this ____ day of ____, 19 ____, that the subject matter of this petition be posted on the property on or before the ____ day of ____, 19 ____.

ZONING COMMISSIONER OF BALTIMORE COUNTY

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED,

IT IS FURTHER ORDERED by the Zoning Commissioner of Baltimore County, this ____ day of ____, 19 ____, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the property be reposted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 100, County Office Building in Towson, Baltimore County, on the ____ day of ____, 19 ____, at ____ o'clock, ____ p.m.

ORDER RECEIVED FOR FILING
Date 4/2/91
By Bjs

ZONING COMMISSIONER OF BALTIMORE COUNTY

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

BEGINNING for the same at a point on the northwest side of Southern Cross Drive as laid out 50 feet wide, located 188 feet southwesterly from the intersection formed by the extensions of the northwest side of Southern Cross Drive and the southwest side of Fairmont Avenue and running thence binding on the northwest side of Southern Cross Drive north 43 degrees 48 minutes 00 seconds east 75.00 feet; thence north 46 degrees 12 minutes 00 seconds west 87.00 feet; thence north 89 degrees 35 minutes 13 seconds west 109.18 feet; and thence south 46 degrees 12 minutes 00 seconds east 166.34 feet to the place of beginning.
Containing 9500.25 square feet of land more or less.
SUBJECT to a 5 foot easement for utilities along the third line of this description. BEING designated as Lot 715 Block 6 as shown on Plat One, Section Three, Campfield Gardens recorded among the Land Records of Baltimore County in Plat Book G.L.B. No. 21, folio 14.

91-310-A

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

91-310-A

District: 3rd Date of Posting: February 25, 1991
Posted for: Residential Variance
Petitioner: Russell V. Pettiford, et ux
Location of property: 3314 W. 4th St. Baltimore on the N.E. of Southern
Cross Drive 3934 Southern Cross Drive
Location of Sign: In front of 3934 Southern Cross Drive
Remarks:
Posted by: S. J. Haines Date of return: March 1, 1991
Number of Signs: 1

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

receipt

PUBLIC HEARING NOTICE
DATE: March 1, 1991
TIME: 7:00 PM
LOCATION: 3934 Southern Cross Drive
FOR: Residential Variance
BY: Russell V. Pettiford, et ux

046204ND0033MICRHC \$60.00
Please Make Checks Payable To: Baltimore County 03:57PM01-30-91
NEXT BUSINESS DAY

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

March 11, 1991

Mr. & Mrs. Russell Pettiford
3934 Southern Cross Drive
Baltimore, MD 21207

RE: Item No. 301, Case No. 91-310-A
Petitioner: Russell V. Pettiford, et ux
Petition for Residential Variance

Dear Mr. & Mrs. Pettiford:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE MINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,
James E. Dyer
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this
30th day of January, 1990.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman
Zoning Plans Advisory Committee

Petitioner: Russell V. Pettiford, et ux

Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines DATE: March 6, 1991
Zoning Commissioner

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Russell V. Pettiford, Item No. 301 ✓
Timothy D. Brown, Item No. 311
Robert P. Biller, Item No. 318
Lloyd Lee Jordan, Item No. 321
Clyde P. Jackson, Item No. 322

In reference to the Petitioners' requests, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

NCVARIED/ZAC1

BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND

DATE: March 8, 1991

TO: Mr. J. Robert Haines
Zoning Commissioner

FROM: Rahee J. Famili

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: February 26, 1991

The Bureau of Traffic Engineering has no comments on items number 297, 301, 311, 318, 321, and 322.

Rahee J. Famili
Rahee J. Famili
Traffic Engineer II

RJF/lvd

received
3/12/91

Baltimore County Government
Fire Department

700 East Joppa Road, Suite 901
Towson, MD 21204-5500

(301) 887-4500

MARCH 12, 1991

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: RUSSELL V. PETTIFORD
Location: 3934 SOUTHERN CROSS DRIVE
Item No.: 301 Zoning Agenda: FEBRUARY 26, 1991

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: Pat Keller 3/13/91 Noted and Approved
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/EEF

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: February 22, 1991

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
for February 26, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 297, 301, 311, 318, 321, and 322.

For Item 319 the previous County Review Group Comments are still applicable.

Robert W. Bowling
ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:s

received
3/12/91

ITEM # 301
DATE: 2-26-91

PETITION CHECKLIST

91-310-A

Before the above petition can be accepted for filing, the following items must be corrected/included:

- Item number must be on all papers in the file folder.
- Item number must be in ink (pencil does not copy well).
- Item number generated by computer (on receipt) is not the same as item number on material in folder and/or pink sheet.
- Section information missing on petition forms.
- Not "original" signatures on all copies of petition forms.
- Owner's name address and/or telephone number is not on petition forms.
- Need signature and/or printed name and/or title of person signing for company.
- Need an attorney.
- "Red stamp" or closing information is not on petition form.
- Following information is missing on the file folder:
 - Petitioner's name
 - Item number
 - Description
 - Actual address
 - zoning
 - acreage
 - election district
 - councilmanic district

- Need 12 plats. Only in folder.
- Plats need to be folded to 8-1/2" x 11".
- There is a difference in date between date taken in and date put in drawer for agenda. Put a note in the folder explaining this.

✓ NO HANDSHIP OR DIFFICULTY LISTED ON AFFIDAVIT.

ITEM # 301
DATE: 2-11-91

PETITION CHECKLIST

91-310-A

Before the above petition can be accepted for filing, the following items must be corrected/included:

- ☒ Section information has been typed in. Please check and return to top drawer.
- Item number must be on all papers in the file folder.
- Item number must be in ink (pencil does not copy well).
- Item number generated by computer (on receipt) is not the same as item number on material in folder and/or pink sheet.
- Section information missing on petition forms.
- Not "original" signatures on all copies of petition forms.
- Owner's name address and/or telephone number is not on petition forms.
- Need signature and/or printed name and/or title of person signing for company.
- Need an attorney.
- "Red stamp" or closing information is not on petition form.
- Following information is missing on the file folder:
- Petitioner's name
- Item number
- Description
- Actual address
- zoning
- acreage
- election district
- councilmanic district
- Need 12 plats. Only _____ in folder.
- Plats need to be folded to 8-1/2" x 11".
- There is a difference in date between date taken in and date put in drawer for agenda. Put a note in the folder explaining this.
- ☒ Description on folder is not complete.

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

February 20, 1991

Russell and Betty Pettiford
3934 Southern Cross Drive
Baltimore, Maryland 21207

Re: CASE NUMBER: 91-310-A
LOCATION: 135' x of c/o Huntington Drive on W/S Southern Cross Drive
3934 Southern Cross Drive

Dear Petitioner(s):

Please be advised that your Petition for Residential Zoning Variance has been assigned the above case number. Any contact made to this office should reference the case number. This letter also serves as a reaffirmation regarding the administrative process.

1) Your property will be posted on or before February 27, 1991. The last date (closing date) on which a neighbor may file a formal request for hearing is March 14, 1991. Should such request be filed, you will receive notification that the matter will not be handled through the administrative process. This will mean advertising of the public hearing and reporting of the property. The public hearing will be scheduled approximately 30 - 45 days from receipt of said notice. In either case, (a) receipt of notification that you will have a public hearing or, (b) the passing of the closing date, the sign and post can then be removed from the property and returned to this office. Failure to return the sign and post will cause your Order to be held and incur a \$50.00 charge. Please be advised that the Order will not be available for you to pick-up the day you return the sign.

2) Assuming no neighbor has requested a public hearing, the file now enters the final review stage of the administrative process. The Zoning Commissioner must now decide whether to grant or deny the request. He also has the option to request a public hearing.

3) PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Very truly yours,

13/

G. G. Stephens
(301) 887-3391

File Copy

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 3934 Southern Cross Dr see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: CAMPFIELD GARDENS

plat books 21, folios 14, lots 15, sections 3

OWNER: RUSSELL + BETTY PETTIFORD

91-310-A

Petitioner's Exhibit 1

ALTER ST

PROPOSED EXTENSION OF SOUTHERN CROSS DR

VICINITY MAP scale: 1"=1000'

LOCATION INFORMATION

Councilmanic District: 2

Election District: 3

1"=200' scale map: UW.G-E

Zoning: DR-5.5

Lot size: 9,500.25 square feet

SEWER: ☒ WATER: ☐

Chesapeake Bay Critical Area: ☐

Prior Zoning Hearings: NONE

Zoning Office USE ONLY!

reviewed by: 5729 ITEM #: 301 CASE#:

North

date: 1/28/91

prepared by: RVP

Scale of Drawing: 1"=30'

Dear Neighbors
We are applying for a residential zoning variance to build an addition out to our property line. If you have no objections to this request, we would appreciate your signature and address to verify that you are not in opposition to this proposal.

Name

1. Bob Gooden
2. Neil & Leah
3. Larry E. Williams
4. Fred Womer

Sincerely,
Mr. & Mrs. Pettiford
3934 Southern Cross Drive
Address

3935 Southern Cross Drive
3932 Southern Cross Drive
3936 Southern Cross Drive
3933 Southern Cross Drive

91-310-A

Petitioner's
Exhibit 2

CASE NUMBER 91-310-A



Side of Home
(3934 Southern Cross)



First White Line:
Property Line



Second White Line:
Proposed Addition

PETITIONER'S EXHIBIT # 3

CASE NUMBER 91-310-A

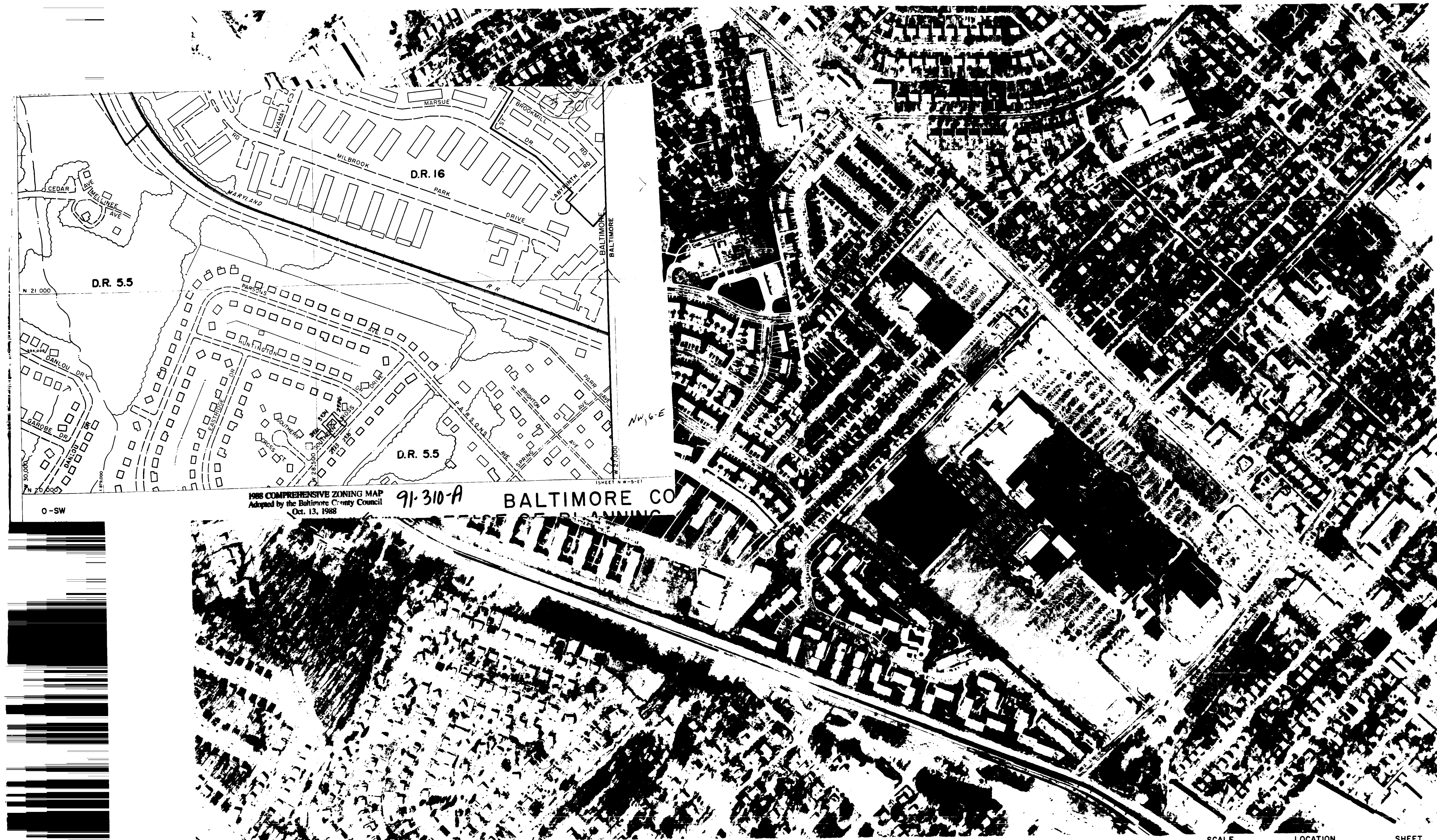


PETITIONER'S EXHIBIT # 4

CASE NUMBER 91-310-A



PETITIONER'S EXHIBIT # 5



1986 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 13, 1988

91-310-A

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING

301

91-310-A

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE	LOCATION	SHEET
1" = 200' ±	SUDBROOK	N.W.
DATE OF PHOTOGRAPHY JANUARY 1986	PARK	6-E